

**United States District Court
Eastern District of Wisconsin
Milwaukee Division**

John Swaffer, Jr.

Plaintiff,

v.

David Deininger, et. al.,

Defendants.

Civil Action No. _____

**Motion for Temporary Restraining
Order and Preliminary Injunction**

**Motion for Temporary Restraining Order
and Preliminary Injunction**

Plaintiff John Swaffer, Jr. moves for a temporary restraining order, or in the alternative, a preliminary injunction, for the reasons set out in the accompanying *Memorandum* and *Verified Complaint for Declaratory and Injunctive Relief*. Fed. R. Civ. P. 65(a-b). Expedited injunctive relief is requested in order to permit Mr. Swaffer to participate in his planned First Amendment activities prior to the April 1 election. Preparations for these activities, including acquiring address lists and printing signs and post cards, need begin expeditiously, but under § 11.05(12) Mr. Swaffer cannot make the necessary expenditures unless he has complied with § 11.23's requirements.

As set out more fully in the *Memorandum* and *Complaint* (1) Wis. Stat. § 11.23's PAC-style requirements are unconstitutional in the context of individuals participating in ballot measure advocacy and (2) Wisconsin may not compel identification disclaimers on the

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communications of individuals participating in ballot referendum advocacy as required by Wis. Stat. § 11.30 and Wis. Admin. Code § ElBd 1.655.

Plaintiff submits that he meets the standards for a temporary restraining order and preliminary injunction, i.e., he has probable success on the merits, he will be irreparably harmed, others will not be harmed, the public interest will be served, and there is no adequate remedy at law. Because a temporary restraining order and preliminary injunction presents no monetary risks to the Defendants, Plaintiff requests that bond be set at \$1. Fed. R. Civ. P. 65(c).

For the reasons stated in the accompanying *Memorandum* and *Complaint*, Plaintiff prays that the Court grant this motion and enjoin the Defendants from enforcing the challenged provisions as applied to Plaintiff until a final hearing on the merits.

Respectfully submitted,

Dated: March 10, 2008

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